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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10 035,551	12 27 2001	Chung-Chih Wang		3323
25859	7590	07 31 2003		
WEI TE CHUNG FOXCONN INTERNATIONAL, INC. 1650 MEMOREX DRIVE SANTA CLARA, CA 95050			EXAMINER	
			KNAUSS, SCOTT A	
		ART UNIT	PAPER NUMBER	
				2874

DATE MAILED: 07 31 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/035,551	WANG ET AL.
Examiner	Art Unit	
Scott A Knauss	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,6,7,9,12-14,16,17,19 and 20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 20 is/are allowed.

6) Claim(s) 1-3,6,7,12,13,16 and 17 is/are rejected.

7) Claim(s) 4,9,14 and 19 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The amendments and arguments in the response filed 6/9/03 have been entered and considered by the examiner. Therefore the previous rejection has been withdrawn and the following new rejection is applied.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3,6,12,13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,979,793 (Bowen et al).

Regarding claim 1, Bowen discloses an optical attenuator in fig. 2 including:

An optical fiber #11 having an attenuating part which is bent to obtain a desired attenuation.

A fixture #14 fixing the fiber thereto, the fixture having a rear supporting portion, a central retaining portion, and two holders (#29,#30) for engaging with two corresponding optical connectors (#21,#22)

Bowen does not, however, disclose a housing having a cover and a frame.

Nevertheless, it is well known in the art to place known elements within a housing, for example a storage container, for the purpose of storing and protecting components during transit, for example. Such containers are well known and have a cover and a frame.

Therefore it would have been obvious to one of ordinary skill in the art to place the device of Bowen within a housing for the purpose of storing and protecting the attenuator of Bowen for transit and storage.

Regarding claim 2, the two optical connectors #21,#22 are aligned with opposite ends of fiber #11, and engage with fixture #14.

Regarding claim 3, Bowen discloses an attenuator having two connectors, but does not disclose the connectors being subscriber connector (SC) plug connectors.

Nevertheless, SC plug connectors are well known in the art, and it would have been obvious to one of ordinary skill in the art to substitute alternate types of connectors such as SC connectors into the attenuator of Bowen for the purpose of connecting to other devices using SC connectors, and enabling the attenuator of Bowen to be connected to different types of connectors.

Regarding claim 6, the attenuating part of the fiber is substantially semicircular.

Regarding claim 12, Bowen discloses an optical attenuator comprising:

An optical fiber #11 having an attenuating part bent to obtain a desired attenuation

A fixture fixing the fiber thereto and comprising two front holders (#29,#30)

Two optical connectors (#21,#22) aligning with opposite ends of the optical fiber and engaging with the holders of the fixture.

Bowen does not, however, disclose the attenuator being received in a housing having a cover and a frame.

Nevertheless, it is well known in the art to place known elements within a housing, for example a storage container, for the purpose of storing and protecting components during transit, for example. Such containers are well known and have a cover and a frame.

Therefore it would have been obvious to one of ordinary skill in the art to place the device of Bowen within a housing for the purpose of storing and protecting the attenuator of Bowen for transit and storage.

Regarding claim 13, Bowen discloses an attenuator having two connectors, but does not disclose the connectors being subscriber connector (SC) plug connectors.

Nevertheless, SC plug connectors are well known in the art, and it would have been obvious to one of ordinary skill in the art to substitute alternate types of connectors such as SC connectors into the attenuator of Bowen for the purpose of connecting to other devices using SC connectors, and enabling the attenuator of Bowen to be connected to different types of connectors.

Regarding claim 16, the attenuating part of the fiber is substantially semicircular.

5. Claims 1,7,12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,311,614 (Caron et al). in view of Bowen et al.

Regarding claim 1, Caron discloses an optical attenuator in fig. 2 including:

An optical fiber #25 having an attenuating part which is bent to obtain a desired attenuation.

A fixture #11 fixing the fiber thereto, the fixture having a rear supporting portion, a central retaining portion, and two holders (#26,#27) for engaging with two strain relief portions #28,#29

Caron does not, however disclose the use of optical connectors on the ends of the fibers, instead disclosing strain relief members #28 and #29.

Nevertheless, it is well known in the art in such bent fiber attenuation devices to place connectors on the ends of the fibers. Bowen, in particular, discloses one such attenuation device in which connectors are placed on the ends of a looped optical fiber. Such a configuration is advantageous to promote easy and removable connection of the attenuator to other optical devices.

Therefore it would have been obvious to one of ordinary skill in the art to replace strain relief assemblies #28, #29 of Caron with optical connectors for the purpose of connecting the variable attenuator to other optical devices.

Caron further does not disclose a housing having a cover and a frame receiving the fixture

Nevertheless, it is well known in the art to place known elements within a housing, for example a storage container, for the purpose of storing and protecting

components during transit, for example. Such containers are well known and have a cover and a frame.

Therefore it would have been obvious to one of ordinary skill in the art to place the device of Caron within a housing for the purpose of storing and protecting the attenuator of Bowen for transit and storage.

Regarding claim 7, the attenuating part of the fiber is substantially coiled (see fig.1)

Regarding claim 12, Caron discloses an optical attenuator comprising:

An optical fiber #25 having an attenuating part bent to obtain a desired attenuation

A fixture #11 fixing the fiber thereto and comprising two front holders (#26,#27)

Two strain relief assemblies (#28,#29) aligning with opposite ends of the optical fiber and engaging with the holders of the fixture.

Bowen does not, however, disclose the attenuator being received in a housing having a cover and a frame.

Nevertheless, it is well known in the art to place known elements within a housing, for example a storage container, for the purpose of storing and protecting components during transit, for example. Such containers are well known and have a cover and a frame.

Therefore it would have been obvious to one of ordinary skill in the art to place the device of Bowen within a housing for the purpose of storing and protecting the attenuator of Bowen for transit and storage.

Caron does not, however disclose the use of optical connectors on the ends of the fibers, instead disclosing strain relief members #28 and #29.

Nevertheless, it is well known in the art in such attenuation devices to place connectors on the ends of the fibers. Bowen, in particular, discloses one such attenuation device in which connectors are placed on the ends of a looped optical fiber. Such a configuration is advantageous to promote easy and removable connection of the attenuator to other optical devices.

Therefore it would have been obvious to one of ordinary skill in the art to replace strain relief assemblies #28, #29 of Caron with optical connectors as taught by Bowen for the purpose of connecting the variable attenuator to other optical devices.

Caron further does not disclose a housing having a cover and a frame receiving the fixture

Nevertheless, it is well known in the art to place known elements within a housing, for example a storage container, for the purpose of storing and protecting components during transit, for example. Such containers are well known and have a cover and a frame.

Therefore it would have been obvious to one of ordinary skill in the art to place the device of Caron within a housing for the purpose of storing and protecting the attenuator of Bowen for transit and storage.

Regarding claim 17, the attenuating part of the fiber is substantially coiled (see fig.1)

Allowable Subject Matter

6. Claims 4,9,14 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4 and 14, the prior art fails to disclose an optical attenuator as set forth in claims 1 and 12, in which the optical connectors are partially engaged with a housing which receives the fixture.

Regarding claims 9 and 19, the prior art fails to disclose an optical attenuator as set forth in claims 1 and 12, wherein each of the holders has a through hole for passage of the optical fiber, and the fixture defines two grooves in communication with the through holes of the two holders to retain corresponding parts of the optical fiber.

7. Claim 20 is allowed. The prior art fails to teach or suggest a method of making an attenuator comprising:

Providing a pair of fiber connectors facing to a same direction,

Connecting rear ends of the connectors with a fiber

Securing the fiber in a fixture around two opposite end portions thereof,

Forming a curved portion between the two end portions,

Adjusting radii or turns of the curved portion to obtain an attenuation value, and

Permanently fixing the curved portion to a supporting portion by adhesive, thus providing a fixed value of attenuation, as opposed to the variable attenuators cited by the examiner.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Knauss whose telephone number is (703) 305-5043. The examiner can normally be reached on 9-6 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308 - 4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

Scott Knauss

Art Unit 2874

sak
July 24, 2003



HEMANG SANCHANI
TELECOMMUNICATIONS
EXAMINER